

Exhibit E

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Three U.S. Attorneys Probe If Lehman Misled Investors

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At least three U.S. attorney offices are probing whether [Lehman Brothers Holdings Inc.](#) misled investors before its bankruptcy filing, as pressure grows to hold individuals accountable for the financial crisis.

Criminal prosecutors from two New York City boroughs and from New Jersey are drilling into issues that relate to a central question: Was Lehman saying publicly that its financial condition was sound while acknowledging behind the scenes that its situation was dire? Such a disparity at Lehman could allow prosecutors to bring a case charging that executives had fraudulently misled shareholders and other parties.

The probes are at an early stage, and it is far from certain they will lead to charges. Gathering evidence that proves executives broke the law by inflating the values of their firms' assets is difficult. Lehman declined to comment, but in congressional testimony on Monday, Richard Fuld, Lehman's chief executive, said the firm didn't mislead investors.

The U.S. attorney's office for New York's Southern District, in Manhattan, is investigating whether Lehman valued its assets at artificially high levels, say two people familiar with the matter. That office has issued subpoenas to individuals that focus on what the firm told investors and other parties about its valuations for approximately \$32.6 billion in commercial-real-estate holdings, according to a person familiar with the matter.

Lehman's commercial real-estate portfolio came under review by a number of firms, including [Goldman Sachs Group Inc.](#), [Credit Suisse Group](#), Barclays PLC and [Bank of America Corp.](#), all of which declined to buy the portfolio. Some executives who looked at the portfolio say they believe the portfolio was being overvalued by Lehman by as much as 35%, as reported in a page-one article in The Wall Street Journal Monday.

The Manhattan prosecutors are also interested in whether Lehman improperly moved \$8 billion from its London operations to New York just ahead of its bankruptcy filing, a move that has drawn criticism from creditors and accountants, according to two people familiar with the matter. A spokeswoman for the U.S. attorney's office declined to comment.

The U.S. attorney's office in New Jersey is investigating whether Lehman misled New Jersey's pension fund when it provided information about its financial health in connection with a \$6 billion stock offering in June. New Jersey invested \$180 million in the offering. Its loss on the investment totals about \$116 million.

Also, prosecutors in the U.S. attorney's office for New York's Eastern District, in Brooklyn, are probing whether Lehman executives misled investors by misrepresenting the firm's condition by making upbeat comments during conference calls with analysts and investors. A spokesman for the office declined to comment.

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